

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

UNITED STATES OF AMERICA

10-813
CIVIL ACTION NO. ~~04-1636~~

VERSUS

JUDGE ROBERT G. JAMES

THORNTON GREEN JR. ET AL

MAG. JUDGE KAREN L. HAYES

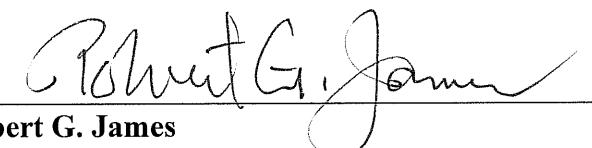
ORDER

Pending before the Court is a Motion for Expedited Temporary Injunction [Doc. No. 32] filed by Diane Green Pounds, pro se, on September 21, 2011, at approximately 8:30 A.M. A party seeking an temporary restraining order must demonstrate by a clear showing: (1) a substantial likelihood of success on the merits; (2) a substantial threat of irreparable harm if the injunction is not granted; (3) that the threatened injury to the movant outweighs any harm to the nonmovant that may result from the injunction; and (4) that the injunction will not undermine the public interest. *See Canal Authority of the State of Florida v. Callaway*, 489 F.2d 567, 572-73 (5th Cir.1974). Ms. Green's motion is procedurally deficient in that she does not demonstrate specific facts in an affidavit or a verified complaint clearly showing that immediate and irreparable injury will result to her in the absence of a temporary restraining order, as required by Federal Rule of Civil Procedure 65. Additionally, the Court finds that she has not made a clear showing that there is a substantial threat of irreparable harm or that she has a substantial likelihood of success on the merits. If the foreclosure sale is later deemed improper, Ms. Green may still seek money damages.

Therefore, IT IS ORDERED that the motion is DENIED, and the U.S. Marshals' sale

scheduled to begin at 10:00 A.M. this morning may proceed.

MONROE, LOUISIANA, this 21st day of September, 2011.


Robert G. James
UNITED STATES DISTRICT COURT JUDGE